

REMARKS

I. Introduction

In response to the Office Action dated April 9, 2003, claims 1, 15 and 29 have been amended. Claims 1-42 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. Claim Amendments

Applicant's attorney has made amendments to the claims as indicated above. These amendments were made solely for the purpose of clarifying the language of the claims, and were not required for patentability or to distinguish the claims over the prior art.

III. Non-Art Rejections

In paragraph (2) of the Office Action, claims 1, 2, 5-9, 15-16, 19-23, 29-30 and 34-37 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite because the term "segment" is allegedly a relative term that renders the claim indefinite.

Applicant's attorney traverses this rejection. Specifically, Applicants' attorney notes that this term is defined in the specification, beginning at page 4, line 19, as follows:

DEFINITIONS

In the context of this application, the following terminology is used:

Segment: A Segment is a grouping of data elements organized about one or more attributes. Segments may be subdivided into Sub-Segments based on Attributes or Filters, which may be categorical (such as "Type of Residence," "Marital Status," or "Brand"), numeric (such as "Age > 65," or "Price > \$25"), etc. Sub-Segments themselves can be further subdivided into Sub-Segments.

Applicant is entitled to be their own lexicographer, and the explicit definition for this term provided in the specification controls interpretation of the term as it is used in the claims. See M.P.E.P. §2106, page 2100-8. Consequently, the rejection is erroneous and its withdrawal is requested.

IV. Prior Art Rejections

A. The Office Action Rejections

In paragraphs (3)-(4) of the Office Action, claims 1-42 were rejected under 35 U.S.C. §102(b) as being anticipated by Amado, U.S. Patent No. 5,701,400 (Amado).

Applicant's attorney respectfully traverses these rejections.

B. Applicant's Independent Claims

Applicant's independent claims 1, 15 and 29 are directed to a method, apparatus and article of manufacture for using predictive models within a computer-implemented business analysis environment. Claim 1 is representative, and comprises the steps of:

- (a) applying a derived measure against a segment, wherein the derived measure comprises a predictive model that previously-built by a model-building mechanism in a data mining system; and
- (b) generating output for the segment from the predictive model in the form of measure values.

C. The Amado Reference

Amado describes a system for applying artificial intelligence technology to data stored in databases and generates diagnostics that are user definable interpretations of information in the database. The diagnostics are stored in a database which can be queried with downdrilling to the associated data which generated the diagnostic. A set of bidirectional links is maintained between selected data items in the first database and the corresponding diagnostics in the second database. The system acts as an information compiler in developing a map of the raw data dimension into the structured dimension of intelligent interpretation of the data in the diagnostic database.

D. The Applicant's Claimed Invention Is Patentable Over The Reference

Applicant's independent claims 1, 15 and 29 are patentable over the reference because they recite a novel and nonobvious combination of steps and elements.

For example, the Office Action states that Amado teaches the element of "applying a derived measure against a segment, wherein the derived measure comprises a predictive model previously-built by a model-building mechanism in a data mining system," at column 17, lines 18-20. This description in Amado is reproduced below:

Amado: Col. 17, lines 18-20 (actually lines 16-39)

The DataLogic/R™ knowledge extraction tool by REDUCT Systems Inc. of Regina, SK, Canada, is a tool to reason from data, a professional tool for knowledge acquisition, classification, predictive modeling, expert systems building, and database "mining". This product is a decision support and database mining software that provides data analysis and knowledge discovery based on the methodology of rough sets. It analyzes logical patterns in data, including theories of knowledge representation, inductive logic and rough sets. It provides forecasting and decision making from imprecise, incomplete and ambiguous data. It discovers simple knowledge rules from data and provides full auditability of rules and decisions. With the Missing Data Module, the program can also process incomplete databases without filling in missing values. It generates rules at different levels of knowledge representation and rule precision. It provides several reports. The Rule Report describes significant logical patterns/rules in the database. The Rule Support Report describes pattern strength, and data which support the patterns. The Validation Report describes accuracy of the uncovered patterns and rules. The Expert Report describes recommended decisions for new cases, and the Decision Report describes how decisions were made.

In the above description, Amado merely describes predictive modeling and data mining generally, but nothing in this description refers to "applying a derived measure against a segment, wherein the derived measure comprises a predictive model previously-built by a model-building mechanism in a data mining system." Indeed, nothing in the specification discusses "derived measures," "measures," or "segments." In Applicant's specification, on the other hand, a "segment" is a grouping of data elements organized about one or more attributes, a "measure" is a formula applied against a segment, and a "derived measure" is a predictive model, created by an analytic algorithm for rule induction, rather than defined by a user. None of these elements are taught in the reference.

In another example, the Office Action states that Amado teaches the element of "generating output for the segment from the predictive model in the form of measure values," at column 61, lines 34-40 and column 43, line 66 – column 44, line 1 (relative to the output format). This description in Amado is reproduced below:

Amado: Col. 61, lines 34-40 (actually lines 32-40)

Users may also define their own functions. Any function may call an external program and read the values returned from that program. In one such example, a definable function may call and run one or more neural networks on a particular set of data in the data database and return the output values of that run as weighting factors and TRUE or FALSE responses thus controlling whether specific diagnostics should or should not be written in the diagnostics database.

Amado: Col. 43, line 66 – col. 44, line 1 (actually col. 44, line 3)

As shown in FIG. 63, users may print or Email any information extracted from a screen, a window or a combination of windows from the previously discussed views: data, diagnostics, expert diagnostics, action categories and actions.

In the above description, Amado merely describes user-definable functions. However, nothing in this description refers to output from “predictive models” for a “segment” in the form of “measure” values. As noted above, none of these elements are taught in the reference.

Consequently, the Amado reference does not teach or suggest all the limitations of Applicant’s independent claims.

Thus, Applicant submits that independent claims 1, 15, and 29 are allowable over Amado. Further, dependent claims 2-14, 16-28, and 30-42 are submitted to be allowable over Amado in the same manner, because they are dependent on independent claims 1, 15, and 29, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-14, 16-28, and 30-42 recite additional novel elements not shown by Amado.

V. Conclusion

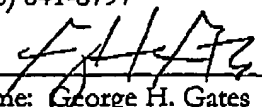
In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant’s undersigned attorney.

Respectfully submitted,

GATES & COOPER LLP
Attorneys for Applicant

Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, California 90045
(310) 641-8797

Date: July 8, 2003

By: 
Name: George H. Gates
Reg. No.: 33,500

GHG/amb

G&C 30145.396-US-01